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2 United States Attorney  
Eastern District of Washington  
3 Brian M. Donovan  
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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 \$717,201.44 U.S. CURRENCY,

13 Defendant.

14 VERIFIED COMPLAINT FOR  
FORFEITURE *IN REM*

15 Plaintiff, United States of America, by its attorneys, William D. Hyslop, United  
16 States Attorney for the Eastern District of Washington, and Brian M. Donovan,  
17 Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance  
18 with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:  
19

20 I. NATURE OF THE ACTION

21 1. This is an action to forfeit and condemn to the use and benefit of the  
22 United States of America the following listed property, hereafter the “Defendant  
23 “Property,” for violations of 18 U.S.C. § 1343, Wire Fraud.  
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1 property constituting or derived from proceeds traceable to a violation(s) of 18 U.S.C.  
2 § 1343. Violations of 18 U.S.C. § 1343 are offenses constituting “specified unlawful  
3 activity” for the purposes of 18 U.S.C. § 981(a)(1)(C) by way of 18 U.S.C. §  
4 1956(c)(7)(A) and 18 U.S.C. § 1961(1). As a result of the foregoing, the Defendant  
5 property is liable to condemnation and forfeiture to the United States for its use, in  
6 accordance with the provisions of 18 U.S.C. § 981.  
7

#### 8 V. FACTS

9  
10 8. Benton County, Washington, routinely conducts business with Banlin  
11 Construction, LLC (“Banlin Construction”). Banlin Construction is a legitimate  
12 construction company, which is actively registered with the Washington Secretary of  
13 State. Its principal place of business is located in Kennewick, WA. Benton County  
14 currently contracts with Banlin Construction for various county projects, to include  
15 building construction and road maintenance.  
16  
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18 9. On or about December 6, 2019, the United States Secret Service (USSS)  
19 was contacted by Benton County and the Benton County Sheriff’s Office and was  
20 made aware of a business email fraud scam that Benton County had fallen victim to  
21 by an unidentified individual(s).  
22

23 10. Benton County representatives advised the USSS that on October 28,  
24 2019, the Benton County Auditor’s Office had received an email from an individual(s)  
25 claiming to be Justin Griffich. In this email, Justin Griffich claimed to be an  
26 accountant who was working for Banlin Construction. From October 28, 2019 and  
27  
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1 November 15, 2019, approximately 20 emails were sent between employees of  
2 Benton County and an individual(s) claiming to be Justin Griffich.

3 11. The email address used by the unknown individual(s) was  
4 [jgriffich@banlinconstructon.com](mailto:jgriffich@banlinconstructon.com) (note, the fraudulent email address uses the word  
5 “constructon”, not “construction”). This email address was determined to not be a  
6 correct address for an employee with Banlin Construction. Currently, Banlin  
7 Construction has an employee named Justin Griffeth, with an email address of  
8 [Justin@BanlinConstruction.com](mailto:Justin@BanlinConstruction.com). It appears the fraudulent email account was  
9 intended to mislead Benton County into believing that the fraudulent emails were in  
10 fact from Banlin Construction and that the fraudulent individual “Justin Griffich” was  
11 a legitimate employee of Banlin Construction.  
12

13 12. Upon information and belief, the fraudulent emails from the individual(s)  
14 posing as “Justin Griffich” sent on October 28, 2019, October 29, 2019, and October  
15 30, 2019, were sent from and are traceable to IP addresses associated with servers  
16 located in India. In addition, the public domain registration information for  
17 BANLINCONSTRUCTON.COM indicates that domain is registered with Public  
18 Domain Registry, Unit No. 501, Nesco IT Park, Nesco Complex, Western Express  
19 Highway, Goregaon (East), Mumbai, Maharashtra 400063.  
20

21 13. Approximately 20 emails were sent between employees of Benton  
22 County and the fraudulent email address for an individual claiming to be “Justin  
23 Griffich” at Banlin Construction between October 28, 2019 and November 15, 2019.  
24

1 The emails from the fraudulent account directed the Benton County Auditor's Office  
2 to change the banking deposit information for Banlin Construction. The emails further  
3 requested that Benton County expedite their updating of the new, fraudulent banking  
4 information and the payment as soon as possible. In particular, on October 28, 2019,  
5 Benton County received an email from the individual(s) claiming to be Justin Griffich  
6 in which Benton County was directed to deposit certain money that Benton County  
7 owed Banlin Construction into SunTrust bank account ending #8992.  
8  
9

10 14. On November 15, 2019, Benton County caused \$740,216.79 to be  
11 transferred from Key Bank (representing Benton County) to SunTrust Bank account  
12 ending #8992. The transfer of funds was authorized by Benton County based on the  
13 transfer directions its employee(s) received from the aforementioned fraudulent  
14 emails. Following the transfer of the funds, the Benton County Auditor's Office sent  
15 a follow up email to the fraudulent email address after payment had been sent in order  
16 to confirm receipt. The fraudulent email address has not responded to that email as of  
17 this date.  
18  
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21 15. The transfer of \$740,216.79 from Benton County was deposited on  
22 November 15, 2019 into SunTrust bank account ending #8992 in the name of Kelly A.  
23 Simpson. SunTrust Bank account ending #8992 is not associated with Banlin  
24 Construction. Further, Kelly A. Simpson is not an employee or agent of Banlin  
25 Construction or any way associated with Banlin Construction. Accordingly, the  
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1 SunTrust bank account into which the fraudulently obtained funds were deposited has  
2 been determined to be a fraudulent account.

3 16. On or about December 16, 2019, the USSS investigators spoke with a  
4 SunTrust Bank investigator. The investigator confirmed the fraudulent activity  
5 involving SunTrust Bank account ending #8992. The investigator stated that the  
6 account had been frozen and subsequently closed due to SunTrust Bank identifying  
7 the account as fraudulent after the deposit of \$740,216.79 by Benton County, WA.  
8 Prior to the account being frozen, \$23,015.35 had been debited from the account in  
9 multiple small transactions. The amount remaining in the account at the time it was  
10 frozen was \$717,201.44.  
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14 17. On or about December 23, 2019, the USSS obtained a federal seizure  
15 warrant in regards to the Defendant Property. Thereafter, the seizure warrant was duly  
16 executed and the Defendant Property was seized by the USSS on January 6, 2020.  
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## 18 VI. CONCLUSION

19 WHEREFORE, Plaintiff requests that the Clerk of the Court issue a warrant for  
20 the arrest of the Defendant Property; that notice of this action be given to all persons  
21 who reasonably appear to be potential claimants of interests in the property; that the  
22 Defendant Property be forfeited and condemned to the United States of America; that  
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28 VERIFIED COMPLAINT FOR FORFEITURE *IN REM* -6

1 Plaintiff be awarded its costs and disbursements in this action and for such other and  
2 further relief as this Court deems proper and just.

3 DATED this 5th day of February, 2020.

4 William D. Hyslop  
5 United States Attorney

6 s/ Brian M. Donovan  
7 Brian M. Donovan  
8 Assistant United States Attorney

9 VERIFICATION

10 I, Nicholas Provoncha, hereby verify and declare under penalty of perjury that I  
11 am a Special Agent with the United States Secret Service in Spokane, Washington,  
12 that I have read the foregoing Verified Complaint *in rem* and know the contents  
13 thereof, and that the matters contained in the Verified Complaint are true to my own  
14 knowledge, except those matters herein stated to be alleged on information and belief,  
15 and as to those matters I believe them to be true. The sources of my knowledge and  
16 information and the grounds of my belief are the official files and records of the  
17 United States and information supplied to me by other law enforcement officers, as  
18 well as my investigation of this case, together with others, as a Special Agent.

19 I hereby verify and declare under penalty of perjury that the foregoing  
20 information is true and correct.

21 DATED this 5<sup>th</sup> day of February, 2020.

22   
23 Nicholas Provoncha, Special Agent  
24 United States Secret Service



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Brian M. Donovan, AUSA, United States Attorney's Office, P.O. Box  
1494, Spokane, WA 99210-1494 (509)353-2767

**DEFENDANTS**

\$717,201.44 U.S. CURRENCY,

County of Residence of First Listed Defendant BENTON  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 U.S.C. § 981

Brief description of cause:  
Civil forfeiture of wire fraud proceeds

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/05/2020

SIGNATURE OF ATTORNEY OF RECORD

Brian M. Donovan

Brian M. Donovan, Assistant U.S. Attorney

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_